

STATE OF TENNESSEE
CHILD AND ADULT CARE FOOD PROGRAM
STATE OPERATIONS MANUAL

DEPARTMENT OF HUMAN SERVICES
CHILD AND ADULT CARE SERVICES UNIT

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TABLE OF CONTENTS

| | PAGE |
|--|-----------|
| INTRODUCTION | 1 |
| DETERMINING THE ELIGIBILITY OF APPLICANT INSTITUTIONS AND SPONSORING ORGANIZATIONS..... | 3 |
| STATE TRAINING FOR INSTITUTIONS AND SPONSORING ORGANIZATIONS..... | 7 |
| ADMINISTRATIVE EXPENSES FOR CHILD CARE HOME SPONSORS | 10 |
| MONITORING OF INSTITUTIONS AND SPONSORING ORGANIZATIONS..... | 12 |
| SERIOUS DEFICIENCY PROCESS..... | 19 |
| APPEAL PROCEDURES..... | 35 |
| CIVIL RIGHTS..... | 37 |
| EXHIBIT 1 – APPLICATION REVIEW WORKSHEETS | 38 |
| EXHIBIT 2 – INSTITUTION APPEAL PROCEDURES FOR PROPOSED TERMINATION/DISQUALIFICATION..... | 52 |
| EXHIBIT 3 – INSTITUTION APPEAL PROCEDURES FOR PROPOSED SUSPENSION..... | 55 |
| EXHIBIT 4 – CHILD CARE HOME PROVIDER APPEAL PROCEDURES FOR PROPOSED TERMINATION AND DISQUALIFICATION..... | 58 |

INTRODUCTION

INTRODUCTION

The purpose of this manual is to provide daily guidance for the administration of the Child and Adult Care Food Program (CACFP) by personnel of the Child and Adult Care Services Unit of the Tennessee Department of Human Services (TDHS).

If any policy or procedure contained in this manual conflicts with the regulations or memoranda issued by the USDA, the federal regulations and memoranda shall take precedence.

**DETERMINING THE ELIGIBILITY OF
APPLICANT INSTITUTIONS AND SPONSORING ORGANIZATIONS**

DETERMINING THE ELIGIBILITY OF APPLICANT INSTITUTIONS AND SPONSORING ORGANIZATIONS

Introduction

The application forms promulgated by the TDHS, and the application review worksheets contained in Exhibit 1 will be utilized to determine the eligibility of all applicants for CACFP participation.

Application Procedures for New Institutions

The application forms for CACFP participation may be mailed upon request, or may be downloaded and printed from the CACFP web page. Prospective sponsors of unaffiliated centers and child care homes will need to contact the CACFP State Office for application forms and instructions. The attached application review worksheets will be utilized to determine the CACFP eligibility of the applicants.

For new private nonprofit and proprietary child care institutions, a pre-approval visit by TDHS training personnel will be required to confirm the information in the institution's application and to further assess the institution's ability to manage the program.

For new sponsoring organizations, a determination will be made as to whether the organization has sufficient staff to perform required monitoring responsibilities at all of its sponsored facilities. All applicants will be required to meet the monitoring staffing levels identified by the application forms and instructions.

The application forms and program operation documents, such as the standard agreements between sponsors and child care homes/unaffiliated center, will ensure compliance with 7 CFR Part 226.6 (b) (1).

Presence on National Disqualified List (NDL)

If an applicant institution or one of its principals is on the NDL, the application for CACFP participation will be denied. If a sponsoring organization submits an application on behalf of a facility, and either the facility or any of its principals is on the NDL, the application for the participation of the facility will be denied.

Ineligibility for Other Publicly Funded Programs

If an applicant institution or one of its principals has been declared ineligible for any other publicly funded program by reason of violating that program's requirements, the application for participation will be denied. This policy will not apply if the institution or the principal has been fully reinstated in, or determined eligible for that program, including the payment of any debts owed.

Criminal Convictions

If an applicant institution or any of its principals has been convicted of any activity that occurred during the past seven years and that indicated a lack of business integrity, the application for participation will be denied. A lack of business integrity includes fraud, antitrust violations, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, obstruction of justice, or any other activity indicating a lack of business integrity as defined by the TDHS.

Financial Viability, Administrative Capability and Program Accountability

The application forms will capture data to determine whether each applicant meets the requirements for financial viability, administrative capability and program accountability as identified by 7 CFR Part 226.6 (b) (1) and (2). To determine if an applicant is financially viable (i.e., has adequate financial resources to operate the CACFP on a daily basis), the proposed budgeted costs will be reviewed. In addition, one of the following actions will be required for the renewal participation:

1. Each applicant to sponsor child care homes and unaffiliated child or adult care centers will be required to provide a comprehensive financial statement, including all expenditures and sources of income to the applicant as a whole for the applicant's last fiscal year. A copy of the applicant's last audit report in lieu of the comprehensive financial statement may be provided.
2. Other applicants will be required to provide one of the following documents:
 - a.. A copy of a "Letter of Credit" from the applicant's banking institution that identifies available credit that is equal to (or greater than) the reimbursement received by the applicant for an average two-month period based on the last twelve months;
 - b. A copy of the letter entitled "Independent Auditor's Report" that is contained in an audit report for the applicant that is not more than two years old;
 - c. A copy of the applicant's most recent checking accounting statement; or
 - d. A copy of a financial statement for the applicant's last business year which is signed and dated by an authorized representative and which identifies the applicant's assets (cash, securities, real estate, etc.); liabilities (notes payable, mortgages, other liabilities, etc.); total annual expenditures for all programs and activities; and total annual income from all sources.

To determine administrative capability and program accountability to operate the program, all applicants will be required to provide information on their management controls.

Allowable Budget Costs

As part of the budget review process, the Child and Adult Care Service Unit will determine if each applicant has effectively allocated its CACFP resources, and whether the applicant's proposed expenses (including salaries) are necessary and reasonable. Salaries will be considered reasonable if they appear to be consistent with the salaries paid for similar positions in other institutions in the same geographical area, and if the applicant has apportioned an appropriate amount of its reimbursement to the performance of its responsibilities for record-keeping, training, monitoring, claims processing, eligibility determinations, and other internal administrative duties.

Notification for Approval and Denial of Applications

Within 30 calendar days of the receipt of a complete application, the Child and Adult Care Services Unit will notify the applicant in writing of its approval or disapproval for participation. To be a complete application, the application must meet all of the requirements, as appropriate, in 226.6 (b), 226.6 (f), 226.15 (b) and 226.16 (b), including sufficient information to determine the applicant's financial viability, administrative capability, and program accountability.

If an incomplete application is received, the Child and Adult Care Services Unit will notify the applicant within 15 calendar days of receipt of the application, and will provide technical assistance, if necessary, to the applicant for the purpose of completing its application.

If an incomplete application is returned to the applicant for completion and the applicant chooses to not finish the application, the Child and Adult Care Services Unit will have no obligation to act on that application. However, if the applicant resubmits the application, and it is found that the applicant is not approvable or cannot complete an application because it simply fails to meet the program requirements, the application will be denied. When an application is denied, the applicant will be notified of the reasons for the disapproval and its right to appeal this action.

Each applicant that is approved for participation will be required to enter into a Program Agreement that governs the rights and responsibilities of each party.

STATE TRAINING FOR INSTITUTIONS AND SPONSORING ORGANIZATIONS

STATE TRAINING FOR INSTITUTIONS AND SPONSORING ORGANIZATIONS

Training for Independent Centers and Sponsors of Affiliated Centers

The Child and Adult Care Services Unit (State Office Personnel) will provide the following training:

1. Orientation on basic program operations to perspective applicants when applications for participation are requested;
2. Annual Statewide Workshops on application and program operational requirements; and
3. Updates on new policies;

The Child and Adult Care Services Unit (Field Personnel) will provide the following training:

1. Pre-operational training in a timely manner following application approval, except for feeding sites that are purchased by existing owners;
2. Training for new centers and sponsors on the preparation of first claims for reimbursement;
3. Training on an individual and cluster basis as requested and subject to available resources;
4. Training after the issuance of monitoring reports to assist in the correction of program deficiencies; and
5. Training in follow-up to issuance of SD Notices.

Training for Sponsors of Homes and Unaffiliated Centers

The Child and Adult Care Services Unit (State Office Personnel) will provide the following training:

1. Orientation for new sponsors for application and program operational requirements;
2. Annual Statewide Workshops on application and program operational requirements; and
3. Updates on new policies;

The Child and Adult Care Services Unit (Field Personnel) will provide the following training:

1. Pre-operational training for new sponsors in a timely manner following application approval;
2. Training for new sponsors on the preparation of first claims for reimbursement;
3. Training on an individual and cluster basis as requested and subject to available resources;
4. Training after the issuance of monitoring reports to assist in the correction of program deficiencies; and
5. Training in follow-up to issuance of SD Notices.

Training for Emergency Shelters and Sponsors of At Risk Snack Programs

The Child and Adult Care Services Unit (State Office Personnel) will provide the following training:

1. Orientation and annual statewide workshops for new and renewing sponsors for application and program operational requirements.
2. Annual Statewide Workshops on application and program operational requirements; and
3. Updates on new policies;

The Child and Adult Care Services Unit (Field Personnel) will provide the following training:

1. Pre-operational training in a timely manner following application approval, except for feeding sites that are purchased by existing owners.
2. Training for the preparation of first claims for reimbursement.
3. Training on an individual and cluster basis as requested and subject to available resources.
4. Training after the issuance of monitoring reports to assist in the correction of program deficiencies.
5. Training in follow-up to issuance of SD Notices.

ADMINISTRATIVE EXPENSES FOR CHILD CARE HOME SPONSORS

ADMINISTRATIVE EXPENSES FOR CHILD CARE HOME SPONSORS

Tracking Expenses

The Claim Payment Reports available from the Tennessee Food Program (TFP) will be utilized to track and evaluate administrative expenses for child care home sponsors. The reports will be compared with the approved budgets on file and the sponsor claims in the TFP to determine if sponsors have accurately projected their costs. Sponsors will be contacted, as appropriate, to amend budget levels.

Reporting Responsibilities

All sponsors may claim administrative costs on an accrual basis (i.e., expenses and income recorded when incurred); a cash basis (i.e., expenses and income reported when paid/received); or a modified accrual basis (i.e., certain expenses and income are reported on a cash basis while other costs and expenses are reported on an accrual basis). However, all sponsors must consistently treat these costs in their accounting system.

Each sponsor's final claim for reimbursement for each fiscal year must reflect the administrative costs on an accrual basis. For those sponsors that use a cash based accounting system, all necessary accounting adjustments to report accrued costs and income on the final claim for each fiscal year will be required.

Budget Approval

All sponsors will be advised that their approved budget levels may be adjusted to reflect changes in program activities. No budget or budget amendment for a sponsoring organization of child or adult centers will be approved, if it identifies administrative costs in excess of 15 percent of the estimated meal reimbursements to be earned. A waiver of this policy may be provided, if the sponsor provides justification that it requires program funds in excess of 15 percent to pay its administrative costs, and if it is determined that the sponsor will have adequate funding to provide meals meeting the requirements at 7 CFR Part 226.20. All waiver approvals and denials will be documented in writing, and copies of this documentation will be made available to the USDA Regional Office.

MONITORING OF INSTITUTIONS AND SPONSORING ORGANIZATIONS

MONITORING OF INSTITUTIONS AND SPONSORING ORGANIZATIONS

General

All monitoring reviews will be performed by the TDHS Office of Program Review. The reviews will determine compliance with the federal regulations at 7 CFR Part 226, the USDA Financial Instruction 796-2, Revision 3, and the TDHS Policies and Procedures Manual.

Review Guides

Review Guides will be prepared by the Child and Adult Care Services Unit. The Review Guides may be amended by the Office of Program Review to include non-CACFP state review requirements and to accommodate the particular needs of the Office of Program Review.

Review Content

The Office of Program Review will assess each institution's compliance with the following requirements:

1. Recordkeeping;
2. Meal counts;
3. Administrative costs;
4. Facility licensing and approval;
5. Compliance with the requirements for annual updating of enrollment forms;
6. If an independent center, observation of a meal service;
7. If a sponsoring organization, training and monitoring of facilities;
8. If a sponsoring organization of child care homes, implementation of the serious deficiency and termination procedures for child care homes;
9. If a sponsoring organization, implementation of the household contact policy;
10. If a sponsoring organization of child care homes, the requirements for classification of tier I and tier II child care homes; and
11. All other Program requirements.

In reviewing the adequacy of the monitoring performed by a child care home sponsor, special attention will be given to the sponsor's efforts to adequately monitor all of the meal services claimed by providers, including suppers. If 20% of all meals claimed by the sponsor's providers

are suppers, a roughly proportionate amount of the sponsor's monitoring effort should be devoted to ensuring the accuracy and integrity of supper meal counts.

Review of Sponsored Facilities

As part of each required review of a sponsoring organization, the Office of Program Review will select a sample of facilities as required by 226.6 (m) (6). The Office of Program Review will also conduct a verification of participant applications for free and reduced-price meals in accordance with 226.23 (h), and will complete a 5-Day Meal Reconciliation for the homes and sponsored centers that are only reimbursed on the actual count method in accordance with 226.6 (m) (6) (4). A sample worksheet to perform the 5-Day Meal Reconciliation will be provided by the Child and Adult Care Services Unit to the Office of Program Review.

Household Contacts

The Office of Program Review will utilize the Household Contact System established by the Child and Adult Care Services Unit to verify the enrollment and attendance of participating children. The Household Contact System will be incorporated into the Review Guides.

The Office of Program Review will also evaluate the implementation of the Household Contact System utilized by the sponsoring organizations.

Frequency and Number of Required Institution Reviews

The Child and Adult Care Services Unit will provide the Office of Program Review with a list of the institutions (and copies of approved applications) to be reviewed for each fiscal year. At least 33.3 percent of all institutions will be reviewed each fiscal year. A minimum of 15 percent of the total number of facility reviews will be unannounced. Institutions will be reviewed according to the following schedule:

1. Independent centers and sponsoring organizations of 1 to 100 facilities will be reviewed at least once every three years;
2. A review of each sponsoring organization will include reviews of 10 percent of the sponsoring organization's facilities;
3. Sponsoring organizations with more than 100 facilities must be reviewed at least once every two years, and the reviews will include reviews of 5 percent of the first 1,000 facilities and 2.5 percent of the facilities in excess of 1,000; and
4. New institutions that are sponsoring organizations of five or more facilities will be reviewed within the first 90 days of Program operations.

Evaluation of Sponsor Level Monitoring

The Office of Program Review will determine if the following standard review requirements have been met by each sponsoring organization:

1. Each participating home, sponsored child and adult care center, and sponsored outside-school-hours care center is reviewed three times per year, unless the review averaging provision is used;
2. Two of the three required reviews are unannounced;
3. One of the unannounced reviews includes the observation of a meal service;
4. A new facility is reviewed during its first four weeks of operation; and
5. Not more than six months elapses between reviews of any facility.

Review and Close Out of Monitoring Reports

All monitoring reports will be reviewed to evaluate compliance with program policies and procedures. When the evaluations are completed, letters will be sent to the affected institutions and sponsoring organization by TDHS staff to advise of the report findings. If program deficiencies are found, the institutions and sponsoring organizations will be required to complete, sign and return a corrective action plan that identifies the measures to be taken and the timetable for the completion of the measures. The corrective action plan will identify the timeframe for the correction of the deficiencies. The institutions and sponsoring organizations will also be required to submit revised claims to address overpayments and underpayments determined by the monitoring findings. If overpayments are determined for a prior program year, the overpayments will be recovered through checks or money orders made payable to the TDHS. Additional visits for training and monitoring purposes are conducted as appropriate.

Meal Disallowance Procedures

Meal payments received by CACFP institutions are subject to disallowance and recovery by the TDHS for the following program deficiencies:

1. Deficiency:

Missing components in a meal are observed on the day of review.

Action:

All meals observed with missing components will be disallowed.

2. Deficiency:

Menus on file indicate that meals have been served with missing components.

Action:

All meals served with missing components will be disallowed based on an analysis of menus for the review month(s).
3. Deficiency:

Meals with inadequate quantities of milk are served during the day of review.

Action:

Meals with inadequate milk on the day of review will be disallowed.
4. Deficiency:

Meals are served with substitute or missing components for medical reasons without medical certificate(s) on file.

Action:

The meals will be disallowed for the day of review and for the review month(s).
5. Deficiency:

An insufficient amount of milk was purchased and available during the review month(s) to provide a correct serving of milk with every meal claimed.

Action:

The number of meals claimed for the review month(s) which did not contain adequate milk will be disallowed.
6. Deficiency:

The number of correctly approved free and reduced-price applications do not support the number of participants reported on the reimbursement claim(s).

Action:

The affected subrecipients will be directed to submit revised reimbursement claim(s) to identify the correct number of participants in the free, reduced price and paid categories for the review month(s).

7. Deficiency:

The subrecipient has no dated menus or has used cycle menus but not indicated the date(s) of use for the review month(s).

Action:

All meals served during the review month(s) that are not supported by dated menus will be disallowed.

8. Deficiency:

Meals are served at a facility not approved by the TDHS.

Action:

All meals claimed retroactive to the date when meals were first claimed for the facility will be disallowed.

9. Deficiency:

Meals served at a non-licensed facility are claimed for reimbursement.

Action:

If the facility has never been licensed, all meals claimed by the facility will be disallowed. If the license has only recently lapsed and the provisions of 7 CFR Part 226.6 (d) (1) (ii) are applicable, no meals claimed from the date the license expired until the date the new license begins will be disallowed.

10. Deficiency:

Meals are served in excess of license capacity.

Action:

The difference between the verified number of meals served and the authorized capacity for the review month(s) will be disallowed. This deficiency shall be immediately reported to TDHS licensing staff.

11. Deficiency:

No attendance or meal count records are available to support a claim for reimbursement.

Action:

All meals which are not supported by attendance or meal count records will be disallowed.

12. Deficiency:

Meals are claimed at proprietary centers when less than 25% of the enrollment or licensed capacity, whichever is less, are beneficiaries of the Tennessee Child Care Certificate Program, or eligible for free or reduced-price meal reimbursements.

Action:

All meals claimed during the review month(s) will be disallowed.

Program Irregularities

The Child and Adult Care Services Unit and the Office of Program Review will promptly investigate complaints received or irregularities noted in connection with the operation of the program, and will take appropriate action to correct any irregularities.

Maintenance of Monitoring Documentation

The Child and Adult Care Services Unit will maintain copies of all monitoring reports issued by the Office of Program Review. Copies of all Training and Technical Assistance (T&TA) visits, including those T&TA visits completed in response to monitoring findings, will also be maintained by the Child and Adult Care Services Unit.

Maintenance of Corrective Action Plans

The Child and Adult Care Services Unit will maintain copies of all corrective action plans completed and signed by institutions to address monitoring or audit findings.

Reviews of Sponsoring Organizations

The Child and Adult Care Services Unit will request that the Office of Program Review compare its facility review findings with the findings of reviews conducted by each sponsor to determine whether the sponsor reviews fully and adequately assess facility performance.

SERIOUS DEFICIENCY PROCESS

SERIOUS DEFICIENCY PROCESS

General

The following section will provide guidance on the regulatory serious deficiency, termination, and disqualification processes for the Child and Adult Care Food Program (CACFP). By providing this guidance, our objective is to assist Food and Nutrition Service (FNS) staff, State agencies, and sponsoring organizations in ensuring uniformity and Program integrity throughout the CACFP. To achieve this objective, we will:

- Implement the serious deficiency process;
- Expectations for acceptable corrective action plans (CAP);
- Review the termination and disqualification process;
- Provide guidance on what is required for submissions to the National Disqualified List (NDL);
- Provide guidance on what is needed to request removal from the NDL; and
- Provide clarification on the collection of debts, including interest.

It is incumbent on FNS to assist State agencies and sponsoring organizations to come into compliance with CACFP requirements by stressing that the initiation of the serious deficiency process is the first step in successfully addressing an institution's non-compliance with one or more aspects of its operation of the Program. Proper implementation of the serious deficiency process includes development of a CAP. This allows the institution or provider to continue Program participation and to receive technical assistance from the State agency or sponsoring organization. It is critical to the integrity of the Program and the effectiveness of the serious deficiency process and the NDL that these procedures are consistently applied.

Serious Deficiency Process

When serious deficiencies are found by a monitoring review or audit report, the Child and Adult Care Services Unit will issue the affected institution a Notice of Serious Deficiency within 30 days of the monitoring report and attach a corrective action plan template to be completed by the institution. The information is added to the tracking spreadsheet at this time.

Once an institution or provider is declared seriously deficient, the following procedures must be followed:

- For institutions, the State agency sends a notice of serious deficiency within 30 days by certified mail return receipt (or equivalent private delivery), by facsimile, or by email to the institution and any identified responsible principal and/or individual (RPI); the State agency will email a copy of the serious deficiency the same day it is sent certified mail

In the case of providers, the sponsoring organization must notify the day care home that it has been determined to be seriously deficient.

For institutions, the notice must identify the name of the Chairman of the Board, Executive Director/Director, and any additional individuals determined to be RPIs.

The serious deficiency notice must identify all serious deficiencies (as defined in 7 CFR §226.6(c) for institutions and 7 CFR §226.16(1)(2) for providers). The notice must also specify:

- Actions to be taken to correct the serious deficiencies;
 - The time allotted to correct the serious deficiencies;
 - That the serious deficiency determination is not appealable;
 - That failure to fully and permanently correct the serious deficiencies within the allotted time will result in issuance of a Notice of Proposed Termination and Disqualification and;
 - That voluntary termination of the agreement after being determined seriously deficient will result in issuance of a Notice of Termination and Disqualification and placement on the National Disqualified List.
- The name(s) of the RPIs must be placed on the State agency's list (noting the basis for the serious deficiency determination);
 - In response, the institution or provider must submit a CAP that details the internal controls implemented to ensure that the serious deficiencies are fully and permanently corrected. A successful CAP includes:
 - Name(s) of the institution or provider and other RPIs associated with the serious deficiencies;
 - Location of the institution or provider;
 - Dates of birth for all RPIs or the provider associated with the serious deficiencies;
 - Policies and procedures or other official documentation which ensures the serious deficiencies have been fully and permanently corrected. (See more details on CAP guidance in the next section.)
 - At the same time notice is issued, State agencies must provide the serious deficiency notice and supporting documentation to their respective FNS Regional Office for the purpose of determining compliance with CACFP requirements (7 CFR 226.6(c)(1-3)(iii)(A)).
 - Family day care home sponsoring organizations must provide the serious deficiency notice and supporting documentation to the State agency (7 CFR §226.16(1)(3)(i)). FDCH must provide information to the State agency.

If the CAP is acceptable, the serious deficiency determination for the institution and RPIs or provider is temporarily deferred.

If a timely CAP is not submitted, or no CAP is submitted, a Notice of Proposed Termination and Disqualification, with appeal rights, must be sent to the institution or provider and RPIs. If an appeal

is filed, and the action taken by the State agency or sponsoring organization is upheld, the institution or provider and all RPIs will be sent a Notice of Termination and Disqualification and placed on the NDL with the full amount of any determined debt associated with both the institution and/or RPIs.

When a State agency declares an institution seriously deficient and identifies former and current employees as the RPIs for the serious deficiencies, the State agency must hold the institution and RPIs (former and current employees) accountable for the serious deficiencies and continue the serious deficiency process through its completion. The intent of the CACFP regulations is that an institution, as well as RPIs who were involved in causing or failing to correct the serious deficiencies, will be disqualified and placed on the NDL.

An institution can never be seriously deficient without some improper action by RPIs. An individual or individuals are always responsible for the institution failing to comply with regulatory requirements.

If the institution and its RPIs fail to complete corrective action, both will be terminated and placed on the NDL, thus notifying other State agencies that these RPIs are currently ineligible to participate in CACFP as part of a different institution, as institution principals, or as day care home providers.

If this does not occur, the individuals responsible for the serious deficiencies in one institution may, because they have not been disqualified, simply re-incorporate under a new name and be admitted to participate in the Program in another State.

If the institution corrects the serious deficiencies by removing the RPI from a position associated with the CACFP, the institution may be removed from the NDL but the RPI would remain for 7 years or longer if there is an unpaid debt, or an acceptable CAP is approved and the State agency requests early removal.

Corrective Action Plans Guidance (CAPS)

According to 7 CFR §226.6(c), sufficient documentation of corrective actions taken to fully and permanently correct each serious deficiency must be submitted to the State agency by the institution. Providers are required to submit corrective actions taken to fully and permanently correct each serious deficiency to the sponsoring organization (7 CFR §226.16(1)(3)(F)(ii)). If the State agency or sponsoring organization determines that the corrective actions fully and permanently correct each serious deficiency, then the State agency or sponsoring organization will temporarily defer its serious deficiency determination.

Procedure:

1. The Program Manager for SFSP will send the template to the institution.
2. The Program Manager will document the date of the CAP on the spreadsheet and the date at which the 90 days will expire.
3. The Program Manager will document when the CAP was received on the spreadsheet.
4. The Program Manager and the External Monitoring Director will review the CAP to determine if it is acceptable.
5. An acceptable CAP addresses the following:

- a. What is the serious deficiency and the procedures that will be implemented to address the serious deficiency?
 - b. Who will address the serious deficiency? List personnel responsible for this task.
 - c. When will the procedure for addressing the serious deficiency be implemented? Provide a timeline for implementing the procedure (i.e., will the procedure be done daily, weekly, monthly, or annually, and when will it begin?)
 - d. Where will the CAP documentation be retained?
 - e. How will the staff and facilities or providers be informed of the new policies and procedures (e.g., Handbook, training, website, etc.)?
6. If the CAP is accepted, the Program Manager will issue a letter of acceptance to the center, and document it on the spreadsheet.
 7. The CAP will be placed into the file by the Program Manager.
 8. If the CAP is not acceptable, the following process will take place
 - The Program Manager will contact the institution to discuss the process with them and request a revised CAP.
 - If the institution does not provide a revised CAP within a 10 day period for findings that rose to the level of a Serious Deficiency, the Program Manager will refer the case to the Program Director of SFSP who will issue a Notice of Proposed Disqualification and Termination with the appeals process.
 - If the institution does not appeal the process within the 15 day timeline, the Program Manager will refer the case to the Program Director of SFSP to issue the Notice of Disqualification and Termination.

Sample Corrective Action Plan for an Institution and RPIs

A State agency declares an institution seriously deficient because the meals being served did not meet Program requirements during the entire review period (e.g., October through December 2011). In response, the Program Director states that the employee responsible for food service management is no longer employed with the institution. In addition, the State agency states that it will monitor the institution closely to ensure meals served meet the Program meal pattern requirements. **This is not an acceptable CAP.**

In this situation, the institution must submit a CAP to the State agency which includes at a minimum the following information:

- Name(s) of institution/RPIs associated with serious deficiencies along with address of institution and dates of birth for RPIs;
- Each serious deficiency and procedures to be implemented to correct the issue;
- Personnel who will be addressing the serious deficiency(ies);
- The timeframe for implementation of the procedures to correct the issue;
- The location where CAP documentation will be retained associated with correcting the issue; The policies and procedures that have been modified to include the procedures for maintaining compliance with meal pattern requirements (written policies and procedures are recommended); and
- Supporting documentation as described in the CAP Guidance section of this memo.

Sample Corrective Action Plan for a Provider

During an administrative review, a sponsoring organization discovers that a day care home provider fails to maintain adequate Program records (i.e., enrollment forms, attendance records, meal counts, menus, etc.). The sponsoring organization sends a notice of serious deficiency to the provider. The provider responds to the serious deficiency notice and indicates that she will comply with CACFP requirements in relation to the maintenance of Program administrative records. The sponsoring organization accepts the letter and temporarily defers the serious deficiency. **This is not an acceptable CAP.**

In this situation, the provider must submit a CAP to the sponsoring organization which includes at a minimum the following information:

- The provider's full name, address, and date of birth;
- Each serious deficiency and the procedures to be implemented to correct the issue;
- The timeframe for implementation of the procedures to correct the issue;
- The location where records will be kept associated with correcting the issue; and
- Supporting documentation as described in the CAP Guidance section.

Submitting Terminated and Disqualified Institutions/Providers and Individuals to the NDL

NDL submission requests sent to the FNS National Office must contain all required information as indicated in the "Institutions/RPIs" and "Providers" section below. If a State agency does not submit all the required information with its notification of a disqualification, the FNS Regional Office will contact the State agency to obtain the missing information before forwarding the submission to the FNS National Office. If a required piece of information is not available, the State agency should include an explanation of why the missing information is unobtainable. Incomplete information which does not have an explanation for the missing data element will be returned to the State agency for completion. The following information is required when submitting information to the NDL:

For Institutions/RPIs:

- Name and address of the institution (including city, state, and zip code);
- Termination date;
- Amount of debt owed, if any, noting the RPI;
- Reason/s for the disqualification (if other is checked, an explanation must be included);
- RPI's name (**No institution can be added to the NDL without an RPI**);
- RPI's address (with city, State, and zip code);
- RPI's date of birth; and
- RPI's position in the institution.

For Day Care Home Providers:

- Name(s) of the provider;
- Address (including city, State and zip code);
- Date of birth;
- Termination date;
- Amount of debt owed, if any;

- Name of the individual’s sponsoring organization; and
- Reason/s for the disqualification (if other is checked, an explanation should be included).

Removal from the NDL

Please note that institutions and RPIs that fail to repay debts owed under the Program will remain on the NDL until the debt has been paid in full. Once it has been determined by the State that the institution has paid the debt in full (including any interest, if applicable) and documentation is on file, the State may request removal of the institution or individual from the NDL. In addition, the effective date of NDL removals will be the date on which the FNS National Office processes the removal request. The FNS Regional Office will be notified that the removal has been completed.

Institutions and their Associated RPIs

CACFP regulations require that a disqualified institution or RPI remain on the NDL for 7 years or until any outstanding debt is repaid, whichever is longer, unless “FNS, in consultation with the appropriate State agency, determines that the serious deficiency(ies) that led to their placement on the list has(ve) been corrected.” To ensure consistency in the process for removing an institution or RPI from the NDL, all requests for such removals must be reviewed by the FNS National Office, which will make the final decision on whether to approve the request. In order for the FNS National Office to make an informed decision regarding requests to remove an institution and/or its associated RPIs from the NDL, it is necessary to have a complete history of the institution or RPIs serious deficiency(ies), including how the serious deficiency(ies) were fully and permanently corrected.

Therefore, when an FNS Regional Office forwards a State agency’s request to remove a disqualified institution or an RPI from the NDL, the FNS Regional Office must also submit copies of the three notices associated with the disqualification:

- Serious deficiency;
- Proposed termination and disqualification; and
- Final termination and disqualification.

Any additional correspondence relating to the serious deficiency process for a particular institution or RPI (such as a prior notice of successful corrective action/temporary deferment of the serious deficiency, information relating to the institution’s debt, or information concerning the RPIs’ dates of birth), must also be submitted with the request for removal.

The State agency’s request for removal of the institution or RPI must include;

- A detailed explanation of the actions taken by the institution or RPI to fully and permanently correct the serious deficiency including, but not limited to, the resolution of any associated debt;
- The documentation the State agency relied on to come to this conclusion; and
- A statement which clearly stipulates whether the request is for removal of the
 - institution;
 - institution and all associated RPIs; and
 - some or all of the RPIs, but not the institution.

The FNS Regional Offices must review the documentation submitted with a request for removal of an institution or RPI to verify that it is complete and provides sufficient information for the FNS National Office to complete its review of the request, and indicate why it supports or opposes the request.

Upon receipt of a request to remove an institution or RPI from the NDL, the FNS National Office will determine whether it concurs with the FNS Regional Office approval of the State agency recommendation and notify the FNS Regional Office of its decision.

Day Care Home Providers

According to 7 CFR §226.6(c)(7)(vi), once included on the NDL, a provider will remain on the list until the State agency determines that the serious deficiency(ies) that led to its placement on the list has(ve) been corrected, or until 7 years have elapsed since its agreement was terminated for cause. However, if the provider has failed to repay debt owed under the Program, it will remain on the list until the debt has been repaid.

Even though the CACFP regulations give the States authority to remove providers from the NDL, this does not relinquish FNS' responsibility to hold the States accountable for their decisions in terms of removing providers from the NDL. The FNS Regional Office will review the documentation to ensure State agencies are operating in accordance with CACFP requirements and that documentation supports removal of the provider from the list.

Debt Collection Associated with Terminated and Disqualified Institutions/RPIs/Providers

The CACFP regulations at 7 CFR §226.14 are very specific in terms of the State agencies responsibility to collect debts, including an assessment of interest (7 CFR §226.14(a)). After the State agency has sent the necessary demand letter for debt collection, State agency staff must refer the claim to the appropriate State authority for pursuit of the debt payment. FNS defers to the State's own laws and procedures when establishing a repayment plan. The details of any repayment plan should be worked out between the State agency and the institution. As a general rule, FNS expects that State agencies will pursue institution debts and make all reasonable efforts to collect them in full. That would include the State agency billing the institution for the entire amount, charging interest on the outstanding balance, and accepting payments made by the institution.

The State agency must consult with the Regional Office if it is determined that the debt is uncollectible. Please note that the institutions and RPIs will remain on the NDL until the debt, with all incurred interest, is repaid. Interest continues to accrue throughout the entire period the institutions and RPIs remain on the NDL. Day care home providers will also remain on the NDL until the debt is repaid, however interest is not applied to debts associated with providers.

As mandated by the final rule, Child and Adult Care Food Program; Implementing Legislative Reforms to Strengthen Program Integrity, dated June 27, 2002, interest must be assessed on debts established on or after July 29, 2002. Also, interest will continue to accrue on debts not paid in full within 30 days of the initial demand for remittance up to the date of payment. It is the responsibility of the State agency to notify the institution that interest will be charged.

For example, the State agency bills an institution for an overclaim of \$100 on September 1, 2011. (The initial demand letter must advise the institution that interest will be assessed on debts not paid in full within 30 days.) On October 1, 2011, the State agency has received no payment or contact from the institution. The State agency would send a second demand letter stating that the debt is now delinquent and interest for the month of September has been added to the bill.

The State agencies are required to assess interest using one uniform rate. The appropriate rate to use is the Current Value of Funds Rate, which is published annually by Treasury in the Federal Register and is available on the Financial Management Service website homepage at <http://www.fms.treas.gov/cvfr>

Each plan will identify the measures to be taken by the institution to fully and permanently correct the deficiencies, and will specify the timeframe for the completion of the measures. This timeframe will generally be 30 days from the date the plan is signed by the institution's authorized official. However, no timeframe exceeding the 90-day period for the resolution of the deficiencies will be approved. In addition, each institution will be required to identify the personnel who are responsible for implementing the corrective measures, and the specific procedures to be followed in performing the activities found seriously deficient.

The authorized official of each institution will be required to sign the corrective action plan. This signature will follow a statement that the official fully understands the corrective measures, agrees to complete the measures within the required timeframe, and understands that the failure to fully and permanently correct the deficiencies will result in the issuance of a Notice of Intent to Terminate.

The Notice of Serious Deficiency will be rescinded if the corrective action plan is received in a timely manner and found acceptable. The letter to rescind the notice will also advise that another monitoring visit will be conducted within a 6-month period, and that a Notice of Intent to Terminate will be issued if the visit or any subsequent visit reveals the failure to fully and permanently correct the deficiencies.

If the corrective action plan is not received within 30 days or found acceptable, Notice of Intent to Terminate will be issued. Serious deficiencies shall include, but are not limited to, the following deficiencies at 226.6 (c) (3) (ii):

1. Submission of false information on the institution's application, including but not limited to a determination that the institution has concealed a conviction for any activity that occurred during the past seven years and that indicates a lack of business integrity, such as fraud, antitrust violations, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, obstruction of justice, or any other activity indicating a lack of business integrity as defined by the TDHS;

2. Permitting an individual who is on the National disqualified List to serve in a principal capacity with the institution or, if a sponsoring organization, permitting such an individual to serve as a principal in a sponsored center or as a child care home;
3. Failure to operate the program in conformance with the performance standards set forth in 226.6 (b) (1) (xviii) and (b) (2) (vii);
4. Failure to comply with the bid procedures and contract requirements of applicable federal procurement regulations;
5. Failure to return to the TDHS any advance payments that exceeded the amount earned for serving eligible meals, or failure to return disallowed start-up or expansion payments;
6. Failure to maintain adequate records;
7. Failure to adjust meal orders to conform to variations in the number of participants;
8. Claiming reimbursement for meals not served to participants;
9. Claiming reimbursement for a significant number of meals that do not meet program requirements;
10. Use of a food service management company that is in violation of health codes;
11. Failure of a sponsoring organization to disburse payments to its facilities in accordance with 226.16 (g) and (h) or in accordance with its management plan;
12. Claiming reimbursement for meals served by a for-profit child care center or a for-profit outside-school hours care center during a calendar month in which less than 25 percent of the children in care (enrolled or licensed capacity, whichever is less) were eligible for free or reduced-price meals or were beneficiaries OF THE Social Services Block Grant (SSBG) Program;
13. Claiming reimbursement for meals served by a for-profit adult day care center during a calendar month in which less than 25% of its enrolled adult participants received adult care benefits through the Tennessee Home and Community Based Services Waiver (Medicaid Program) or were SSBG beneficiaries;
14. Failure by a sponsoring organization of child care homes to properly classify its sponsored homes as Tier I or Tier II in accordance with 226.15 (f);

15. Failure by a sponsoring organization to properly train or monitor sponsored facilities in accordance with 226.16 (d);
16. Use of child care home funds by a sponsoring organization to pay for the sponsoring organization's administrative expenses;
17. Failure to perform any of the other financial and administrative responsibilities required by this part;
18. Failure to properly implement and administer the child care home termination and administrative review provisions set forth at 226.16(l);
19. The fact the institution or any of the institution's principals have been declared ineligible for any other publicly funded program by reason of violating that program's requirements, unless the prohibition does not apply if the institution or the principal has been fully reinstated in, or is now eligible to participate in, that program, including the payment of any debts owed;
20. Conviction of the institution or any of its principals for any activity that occurred during the past seven years and that indicates a lack of business integrity as previously defined; and
21. Any other action affecting the institution's ability to administer the program in accordance with federal requirements.

The Notice of Intent to Terminate will be issued by certified mail, and will inform the institution of the ground(s) for termination within 90 days of the institutions receipt of the notice of serious deficiency. The notice will also inform the institution of its right to request a fair hearing, and advise that meal payments will not be withheld during the appeal process if appropriate records to support the payments are available for review.

If the Notice of Intent to Terminate is upheld by the Department's Appeals and Hearings staff, the Child and Adult Care Services Unit will issue a letter to the institution advising that the termination is effective on the date of the ruling issued by the hearing officer. If no timely appeal is received, the termination will be effective on the 16th day following the institution's receipt of the Notice of Intent to Terminate.

If a Notice of Immediate Termination is issued based on an imminent threat to the health and safety of participants or to the public, the letter will inform the institution of the ground(s) for termination and the date of termination. The notice will also inform the institution of its right to request a fair hearing.

Implementation of Serious Deficiency Process by Child Care Home Sponsors

The Child and Adult Care Services Unit will provide annual training to sponsor personnel for the serious deficiency process for child care homes. As part of this training, Child and Adult Care Services Unit will make available sample notices and other correspondence to effectively implement this process. The training will also focus on the following areas:

1. That each sponsor must initiate action to terminate the agreement of a child care home for cause, if the sponsor determines that the home has committed one or more of the serious deficiencies at 7 CFR Part 226.16 (l) (2);
2. That each sponsor must determine who within the sponsoring organization has the authority to sign the SD Notices;
3. That each sponsor should issue the SD Notice as soon as possible after the identifying the serious deficiency(ies), but no later than 5 business days following the identification of the serious deficiency(ies);
4. That sponsors should consider the following factors in making the assessment of whether a problem rises to the level of a serious deficiency: repeat findings, frequency and severity of the problem, isolated vs. systemic non-compliance, degree to which problem/non-compliance will impact the integrity of the meals served and the funds used;
5. That a home provider should be required to completely and permanently correct serious deficiency(ies) as soon as possible, but not to exceed 30 days;
6. That sponsors should establish written procedures for evaluating claims submitted by homes after the issuance of the Notice of Intent to Terminate to include the need for on-site inspections of supporting records;
7. That sponsors must use the procedures at 7 CFR Part 226.16 (d) (4) (viii) and 7 CFR Part 226.16 (l) (4) when suspending a home provider for serious health or safety violations; and
8. That sponsors should use the prototype letters developed by the Child and Adult Care Services Unit for all SD actions, including suspension of participation.
9. The sponsor shall provide all required information to the SA at each stage of the SD process according to 7 CFR Part 226.16(1)(3).

Serious Deficiencies for New Applicants

If it is determined that a new applicant for participation has committed one or more serious deficiency listed in 226.6 (c) (1) (ii), action to deny the applicant's application and to disqualify the applicant's responsible principals and responsible individuals will be initiated in compliance with 226.6 (c) (1) and (2).

Serious Deficiencies for Renewing Institution Applications

If it is determined that a renewing institution has committed one or more of the following serious deficiencies, action will be taken to deny the renewing institution's application, and to disqualify the future CACFP participation of the renewing institution and its responsible principals and responsible individuals:

1. Submission of false information on the institution's application, including but not limited to a determination that the institution has concealed a conviction for any activity that occurred during the past seven years and that indicates a lack of business integrity, which includes fraud, antitrust violations, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, obstruction of justice, or any other activity indicating a lack of business integrity as defined by the TDHS;
2. Failure to operate the program in conformance with the performance standards set forth in paragraphs (b)(1)(xviii) and (b)(2)(vii) of 7 CFR Part 226.6;
3. Failure to comply with the bid procedures and contract requirements of applicable federal procurement regulations;
4. Use of a food service management company that is in violation of health codes;
5. Failure by a sponsoring organization of day care homes to properly classify child care homes as Tier I or Tier II in accordance with 7 CFR Part 226.15(f);
6. Failure by a sponsoring organization to properly train or monitor sponsored facilities in accordance with 7 CFR Part 226.16(d);
7. Failure to perform any of the other financial and administrative responsibilities required by 7 CFR Part 226;
8. Failure to properly implement and administer the child care home termination and administrative review provisions set forth at 7 CFR Part 226 (l) and 7 CFR Part 226.16(l); or
9. Any other action affecting the institution's ability to administer the program in accordance with program requirements.

Authorized Personnel to Sign Notices of Serious Deficiency

The Directors of Adult and Family Services Contracts and Child and Adult Care Services are authorized to sign Notices of Serious Deficiency.

Determination of Serious Deficiencies

Deficiencies are determined to be serious based on the following factors:

1. The regulations at 7 CFR Part 226;
2. The frequency and severity of the deficiency as it relates to the percentage of claim disallowance;
3. Degree to which the deficiency impacts the integrity of the program; and
4. Whether the deficiency is an isolated or systemic deficiency.

Evaluation of Institution Claims After Issuance of Notices of Intent to Terminate

All institution claims received after the issuance of Notices of Intent to Terminate will be evaluated as to the need for on-site inspections of supporting records.

Review and Approval of Proposed Budgets from Seriously Deficient Institutions

If a renewing institution's agreement expires before the end of the time allotted for corrective action, and/or the conclusion of any administrative review requested by the renewing institution, the institution will be eligible to renew its participation in the new program year, and to continue to receive payments for valid claims for reimbursement for eligible meals served and allowable administrative expenses incurred. As part of the renewal process, the proposed budgets received from these institutions will be subject to the same review and approval procedures for other institutions.

Contingency Plan for Continued Participation of Facilities After a Sponsor is Terminated

The following procedures will be followed when a sponsoring organization is terminated for cause:

1. Each facility will receive a written notification of the sponsor termination and the options for continued CACFP participation;
2. The remaining sponsoring organizations will be alerted of the sponsor termination, and advised to contact the Child and Adult Care Services Unit on any questions concerning the sponsorship of the facilities in question; and

3. The Child and Adult Care Services Unit will make every reasonable accommodation to the home providers to allow a seamless transition to new sponsors.

Suspension Process for False and Fraudulent Claims

When it has been determined that an institution has knowingly submitted a false or fraudulent claim, the Child and Adult Care Services Unit may initiate action to suspend the institution's participation and must initiate action to terminate the institution's agreement and initiate action to disqualify the future participation of the institution and the responsible principals and responsible individuals.

The submission of a false or fraudulent claim constitutes a serious deficiency. If action to suspend the institution's participation is initiated, the Notice of Proposed Suspension must be issued at the same time the Notice of Serious Deficiency is issued.

The Notice of Serious Deficiency must identify the responsible principals and responsible individuals and must be sent to those persons as well. The Child and Adult Care Services Unit may specify in the notice different corrective action and time periods for completing the corrective action for the institution and the responsible principals and responsible individuals. At the same time the notice is issued, the Child and Adult Care Services Unit must add the institution to the state agency list, along with the basis for the serious deficiency determination, and provide a copy of the notice to the USDA Atlanta Regional Office. The notice must also specify the following:

1. The serious deficiency(ies);
2. The actions to be taken to correct the serious deficiency(ies);
3. The time allotted to correct the serious deficiency(ies);
4. That the serious deficiency determination is not subject to administrative review.
5. That failure to fully and permanently correct the serious deficiency(ies) within the allotted time will result in the proposed termination of the institution's agreement and the proposed disqualification of the institution and the responsible principals and responsible individuals; and
6. That the institution's voluntary termination of its agreement with the TDHS after having been notified that it is seriously deficient will still result in the institution's formal termination by the TDHS and placement of the institution and its responsible principals and responsible individuals on the National Disqualified List.

Suspension Process for Health and Safety Violations

If the Child and Adult Care Services Unit determines that there is an imminent threat to the health or safety of participants at an institution, or that the institution has engaged in activities that threaten the public health or safety, state licensing and health authorities will be immediately contacted, and action will be taken based the recommendations and requirements of these authorities. The Child and Adult Care Services Unit will also following the procedures in 7 CFR Part 226 (c) (5) (i) to issue to the institution a combined Notice of Suspension of Participation, Serious Deficiency, Proposed Termination and Proposed Disqualification of the responsible principals and responsible individuals.

Maximum Time for Suspension

A suspension of participation will not remain in effect for more than 120 days following the suspension review decision.

Retention of Records

Records of all seriously deficient institutions will retained for 10 program years. The records of seriously deficient institutions with outstanding debts will be retained indefinitely.

APPEAL PROCEDURES

APPEAL PROCEDURES

The procedures for the appeal of proposed termination/disqualification and suspension actions by institutions are contained in Exhibits 2 and 3, respectively. The procedures for appeal of proposed termination/disqualification actions by child care home providers are contained in Exhibit 4.

CIVIL RIGHTS

CIVIL RIGHTS

Training of Institution Personnel

All institution personnel will receive Civil Rights training during per-operational visits. In addition, all institution personnel who perform CACFP duties will be required to annually complete Civil Rights training. To complete this training, institution personnel will access the following link:

http://tn.gov/humanserv/adfam/ccfp_forms/index.html

All institutions will be required to submit a roster of the personnel who completed the training. The roster is to include the names and job titles of the personnel who have reviewed the PowerPoint training document.

Data Collection

All institutions will be required to determine the number of actual beneficiaries (participants) by ethnic/racial category. Ethnic/racial categories include: American Indian or Alaskan Native; Asian; Black or African American; Native Hawaiian or Other Pacific Islander; Hispanic or Latino; and White. When this determination is completed, the ethnic/racial data will be reported to the TDHS through monthly claims for reimbursement. The ethnic/racial data will be compiled on a statewide basis by the TFP.

EXHIBIT 1 – APPLICATION REVIEW WORKSHEETS

CACFP APPLICATION REVIEW WORKSHEET FOR INDEPENDENT CENTER FEDERAL FISCAL YEAR _____

| | |
|-----------------------------|---|
| Name of Institution: | Agreement Number: 03-47-_____ |
|-----------------------------|---|

TYPE OF CENTER (Check only one):

Independent Child Center
 Independent Outside-School-Hours Child Center
 Independent Adult Center

Date Review Commenced: _____ **Name of Reviewer:** _____

| REVIEW ITEM | YES | NO | N/A | COMMENTS |
|---|--------------------------|--------------------------|--------------------------|----------|
| 1. Does the applicant have a current license to provide child or adult care? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 2. Is a signed and dated Application for Participation (HS-1964) enclosed with the application package and have all required data fields been correctly completed? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 3. Is a budget enclosed with the application package and are the proposed costs allowable (i.e., reasonable and necessary)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 4. If the applicant is renewing participation, is the applicant's estimated reimbursement for the program year realistic based on the applicant's TFP Claim Payment Report for the last program year? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 5. If the applicant is new, is the applicant's estimated reimbursement for the program year realistic based on the applicant's participant and meal data? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |

| REVIEW ITEM | YES | NO | N/A | COMMENTS |
|---|--------------------------|--------------------------|--------------------------|----------|
| 6. Based on the applicant's proposed budget, does it appear that the applicant is financially viable (i.e., has adequate financial resources to operate the CACFP on a daily basis)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 7. Based on the information contained in the application package, does it appear that the applicant is administratively capable (i.e., has adequate personnel to properly manage the CACFP)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 8. Based on the information contained in the application package, does it appear that the applicant has program accountability (i.e., has internal controls and other management systems in effect to ensure fiscal accountability and to ensure that the program will operate in accordance with federal regulations)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 9. If the applicant is a new agency, are required menus enclosed with application? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 10. If applicant will participate as a pricing program, is a copy of the collection procedures enclosed with application? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 11. Is the applicant's name included on the National Disqualified List maintained by the USDA? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Approved for Participation to Commence: _____ <div style="text-align: center;">Month/Year</div> | | | | |
| <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%; text-align: center;"> _____ Reviewer Signature </div> <div style="width: 45%; text-align: center;"> _____ Date </div> </div> | | | | |

**CACFP APPLICATION REVIEW WORKSHEET FOR
SPONSOR OF CHILD CARE CENTERS OR HOMES
FEDERAL FISCAL YEAR _____**

| | |
|-------------------------|---|
| Name of Sponsor: | Agreement Number: 03-47-_____ |
|-------------------------|---|

Type of Sponsor (Check only one):
 ___ Sponsor of Affiliated Centers ___ Sponsor of Unaffiliated Centers ___ Sponsor of Child Care Homes

Date Review Commenced: _____ **Name of Reviewer:** _____

| REVIEW ITEM | YES | NO | N/A | COMMENTS |
|--|--------------------------|--------------------------|--------------------------|----------|
| 1. Is a signed and dated Application for Participation and Management Plan (HS-1965) enclosed with the application package and have all required data fields been correctly completed? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 2. Does the applicant have current licenses to provide child or adult care for all center facilities proposed for sponsorship, and current child care licenses or alternate approval for all homes to be sponsored? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 3. Is the sponsor's average monthly projected reimbursement greater or less than the average monthly TFP Claim Payments by 5% or more for the current FFY? If the average monthly projected reimbursement is greater or less than 5% of the average monthly TFP Claim Payments, the sponsor must provide written justification for approval. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |

| REVIEW ITEM | YES | NO | N/A | COMMENTS |
|--|--------------------------|--------------------------|--------------------------|----------|
| 4. Is the sponsor a single-purpose organization (i.e., does the sponsor only operate CACFP)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 5. Is the sponsor a multi-purpose organization (i.e., is the sponsor's CACFP part of a larger organization with other activities, such as resource and referral services or programs such as Head Start, SFSP, etc.)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 6. Does the sponsor operate in multiple States? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 7. If the sponsor is multi-purpose, does the CACFP administrative budget includes funds from non-CACFP sources that will be used to perform CACFP functions (e.g., training, monitoring, etc.? If "Yes," these non-CACFP funds must be accounted for in the sponsor's administrative budget. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 8. If a sponsor of centers, does the administrative budget request exceeds 15 percent of projected CACFP meal reimbursements to sponsored centers for the year? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 9. If the center sponsor's administrative budget request exceeds 15 percent of projected CACFP meal reimbursements, has the sponsor requested a waiver and, if it has, is the waiver request approvable? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |

| REVIEW ITEM | YES | NO | N/A | COMMENTS |
|---|--------------------------|--------------------------|--------------------------|----------|
| <p>10. If the sponsor operates both centers and homes, does the administrative budget request exceed the sum of: the maximum earnings of administrative funds for child care home sponsors <u>plus</u> up to 15 percent of the meal reimbursement earned by sponsored centers? <u>Note to reviewers:</u> Home administrative funds may not be used to fund center costs and vice versa.</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <p>11. Do all costs in the administrative budget request concern administrative expenses, and not operating expenses?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <p>12. If the applicant will sponsor centers, does it have one Full-Time Equivalent staff year devoted to monitoring for every 25 – 150 sponsored centers? A Full-Time Equivalent (FTE) staff year is the amount of work that one person working full-time (i.e., 40 hours per week) would perform in a year.</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <p>13. If the applicant will sponsor 25 or more centers, has the additional information required for the monitoring position(s) by the Monitoring Staff Information Form been provided?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <p>14. If the applicant will sponsor homes, does it have one Full-Time Equivalent staff year devoted to monitoring for every 50 – 100 sponsored homes. A Full-Time Equivalent (FTE) staff year is the amount of work that one person working full-time (i.e., 40 hours per week) would perform in a year.</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <p>15. If the applicant will sponsor 50 or more homes, has the additional information required by the Monitoring Staff Information Form been provided?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |

| REVIEW ITEM | YES | NO | N/A | COMMENTS |
|---|--------------------------|--------------------------|--------------------------|----------|
| 16. Is each monitoring position located within 100 miles of the centers or homes to be monitored by the position? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 17. Does the administrative budget and management plan appear to demonstrate that the applicant is devoting adequate resources to the monitoring of facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 18. Has the applicant provided sufficient information to properly disclose the proposed administrative costs in the budget to allow for prior approval by the TDHS in accordance with FNS Instruction 796-2, Revision 3? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 19. If any proposed costs in the applicant's administrative budget require specific prior written approval by TDHS in accordance with FNS Instruction 796-2, Revision 3, has the applicant submitted the letter(s) of request? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 20. If any costs requiring specific prior written approval have been approved, has a separate letter to approve or deny these costs been mailed to the applicant? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 21. Are all costs included in the budget allowable (i.e., reasonable and necessary)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 22. Does the administrative budget provides sufficient detail to allow for appropriate review and approval (i.e., are budget categories like "supplies," "travel," "mailing," or "other" sufficiently detailed to allow the reviewer to properly determine whether the costs are approvable)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |

| REVIEW ITEM | YES | NO | N/A | COMMENTS |
|---|--------------------------|--------------------------|--------------------------|----------|
| 23. Does the sponsor's budget anticipate the recovery of indirect costs? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 24. If the sponsor will recover indirect costs, does the budget do so properly, in accordance with the sponsor's approved indirect cost agreement? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 25. Are costs in the administrative budget properly allocated among CACFP and the organization's other activities? (i.e., only the shares of the costs that benefit the program are assigned to CACFP costs.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 26. Are there any planned expenses in the administrative budget resulting from less-than-arms-length transactions? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 27. Is a signed and dated Application for Participation (HS-1964) enclosed with the application package for each center to participate and have all required data fields been correctly completed? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 28. Is a signed and dated Application for Participation (HS-1963) enclosed with the application package for each home to participate and have all data fields been correctly completed? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 29. Do any proposed costs in the budget appear to result from less-than-arms-length transactions? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |

| REVIEW ITEM | YES | NO | N/A | COMMENTS |
|--|--------------------------|--------------------------|--------------------------|----------|
| 30. Based on the applicant's proposed budget, does it appear that the applicant is financially viable (i.e., has adequate financial resources to operate the CACFP on a daily basis)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 31. Based on the information contained in the application package, does it appear that the applicant is administrative capable (i.e., has adequate personnel to properly manage the CACFP)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 32. If the applicant is a new sponsor, are required menus enclosed with application? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 33. If applicant will participate as a pricing program, is a copy of the collection procedures enclosed with application? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 34. Is the applicant's name included on the National Disqualified List maintained by the USDA? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 35. Based on the information contained in the application package, does it appear that the applicant has program accountability (i.e., has internal controls and other management systems in effect to ensure fiscal accountability and to ensure that the program will operate in accordance with federal regulations)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 36. Are written procedures available to show how the FDCH sponsor will evaluate claims submitted by homes after the issuance of a NPTD? (FDCH Sponsors) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 37. Did the sponsor provide all required information to the SA at each stage of the SD process for FDCH? (FDCH Sponsors) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |

Approved for Participation to Commence: _____

Month/Year

Reviewer Signature

Date

**CACFP APPLICATION REVIEW WORKSHEET FOR
AFTER SCHOOL CARE SNACK PROGRAM FOR AT RISK CHILDREN
FEDERAL FISCAL YEAR _____**

| Name of Institution/Sponsor: _____ | Agreement No.: 03-47-_____ | | | |
|---|-----------------------------------|--------------------------------|--------------------------|----------|
| Date Review Commenced: _____ | | Name of Reviewer: _____ | | |
| REVIEW ITEM | YES | NO | N/A | COMMENTS |
| 1. Is a signed and dated Application for Participation (HS-1970) enclosed with the application package and have all required data fields been correctly completed? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 2. Is a signed and dated "Exhibit A – Feeding Site Information" enclosed with the application for each feeding site to participate and have all required data fields in this form been correctly completed? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 3. Is a budget enclosed with the application package and are the proposed costs allowable (i.e., reasonable and necessary)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 4. If the applicant is renewing participation, is the applicant's estimated reimbursement for the program year realistic based on the applicant's TFP Claim Payment Report for the last program year? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 5. If the applicant is new, is the applicant's estimated reimbursement for the program year realistic based on the applicant's participant and meal data? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |

| REVIEW ITEM | YES | NO | N/A | COMMENTS |
|---|--------------------------|--------------------------|--------------------------|----------|
| 6. Based on the applicant's proposed budget, does it appear that the applicant is financially viable (i.e., has adequate financial resources to operate the CACFP on a daily basis)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 7. Based on the information contained in the application package, does it appear that the applicant is administrative capable (i.e., has adequate personnel to properly manage the CACFP)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 8. Based on the information contained in the application package, does it appear that the applicant has program accountability (i.e., has internal controls and other management systems in effect to ensure fiscal accountability and to ensure that the program will operate in accordance with federal regulations)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 9. If the applicant is a new agency, are required menus enclosed with application? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 10. Is the applicant's name included on the National Disqualified List maintained by the USDA? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Approved for Participation to Commence: _____ Month/Year | | | | |
| <hr/> Reviewer Signature Date | | | | |

**CACFP APPLICATION REVIEW WORKSHEET FOR
EMERGENCY HOMELESS SHELTER
CHILD AND ADULT CARE FOOD PROGRAM
FEDERAL FISCAL YEAR _____**

| Name of Shelter: _____ | | Agreement No.: 03-47-_____ | | |
|--|--------------------------|-----------------------------------|--------------------------|----------|
| Date Review Commenced: _____ | | Name of Reviewer: _____ | | |
| REVIEW ITEM | YES | NO | N/A | COMMENTS |
| 1. Is a signed and dated Application for Participation (HS-1971) enclosed with the application package and have all required data fields been correctly completed? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 2. Is a budget enclosed with the application package and are the proposed costs allowable, reasonable and necessary? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 3. Based on the applicant's proposed budget, does it appear that the applicant is financially viable (i.e., has adequate financial resources to operate the CACFP on a daily basis)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 4. Based on the information contained in the application package, does it appear that the applicant is administrative capable (i.e., has adequate personnel to properly manage the CACFP)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |

| REVIEW ITEM | YES | NO | N/A | COMMENTS |
|---|--------------------------|--------------------------|--------------------------|----------|
| 5. Based on the information contained in the application package, does it appear that the applicant has program accountability (i.e., has internal controls and other management systems in effect to ensure fiscal accountability and to ensure that the program will operate in accordance with federal regulations)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 6. If the applicant is renewing participation, is the applicant's estimated reimbursement for the program year realistic based on the applicant's TFP Claim Payment Report for the last program year? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 7. If the applicant is new, is the applicant's estimated reimbursement for the program year realistic based on the applicant's participant and meal data? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 8. If the applicant is a new agency, are required menus enclosed with application? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 9. Is the applicant's name included on the National Disqualified List maintained by the USDA? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Approved for Participation to Commence: _____ Month/Year | | | | |
| <hr/> Reviewer Signature Date | | | | |

**EXHIBIT 2 – INSTITUTION APPEAL PROCEDURES FOR PROPOSED
TERMINATION/DISQUALIFICATION**

**CHILD AND ADULT CARE FOOD PROGRAM
APPEAL PROCEDURES FOR
CHILD AND ADULT CARE INSTITUTIONS AND SPONSORING AGENCIES
REVISED August 12, 2013**

7 C.F.R. § 226.6(k)(5) governs appeals described in 7 C.F.R. § 226.6(k)(2) in the Child and Adult Care Food Program that are subject to administrative review by the state agency and the maximum time limit for processing appeals is sixty (60) days for the Child and Adult Care Food Program as follows:

1. 7 C.F.R. 226.6(k)(9) makes provision for abbreviated administrative reviews. The administrative review official must limit the administrative review to a review of written submissions concerning the accuracy of the Child and Adult Care Food Program's determination if the application was denied or the Program proposes to terminate an institution's agreement, because of the circumstances described in 7 C.F.R. 226.6(k)(9)(i) through (iv).
2. The time period to file an appeal to request an administrative review of an action described in 7 C.F.R. § 226.6(k)(2) that is subject to administrative review by the state agency is fifteen (15) calendar days after the notice of the action to be taken or action proposed, sent by certified mail return receipt, is received. The appeal request for administrative review must be in writing.
3. The contact person to file an appeal is as follows:

Appeals and Hearings, Clerk's Office
Tennessee Department of Human Services
400 Deaderick Street, 13th Floor
Nashville, Tennessee 37243
Toll Free: (866) 787-8209
Local: (615) 744-3900
Fax: (615) 248-7013
Toll Free: (866) 355-6136
4. The receipt of the appeal requesting an administrative review must be acknowledged by the Department within ten (10) calendar days of receiving the request. The appellant may retain legal counsel or may be represented by another person.
5. The appellant is allowed to inspect information on which the action was based. The information must be available for inspection from the date the appeal request is received.
6. The appellant may dispute the findings contained in the notice of action in person, or by submitting written documentation to the administrative review official. In order to be considered, written documentation must be submitted to the administrative review official not later than thirty (30) calendar days after receipt of the notice of action. If the written request for administrative review does not specifically request a hearing, a review of written information in lieu of a hearing will occur. If the appellant's representative fails to appear at a scheduled hearing, they waive the right to a personal appearance before the administrative review official, unless the administrative review official agrees to

reschedule the hearing. A representative of the TDHS must be allowed to attend the hearing to respond to the testimony of the institution and to answer questions posed by the administrative review official.

7. At least ten (10) calendar days advance notice of the hearing shall be given, if the appellant requested a hearing in the written appeal. The service of the advance notice of the hearing will be in accordance with State Rule 1240-5-4-.01.
8. The determination of the administrative review official must be based solely on the information provided by the Department, the appellant, Federal and State laws, regulations, policies, and procedures governing the Child and Adult Care Food Program.
9. The administrative review official must inform the appellant of the administrative review's outcome within sixty (60) calendar days of the receipt of the appeal requesting administrative review. This sixty (60) calendar day time frame is an administrative requirement and may not be used as a basis for overturning the action if the administrative decision is not made within this time frame.
10. 7 C.F.R. § 226.6(k)(10) requires the Child and Adult Care Food Program's action to remain in effect during the administrative review. 7 C.F.R. § 226.6(k)(10)(i) through (iii) describes actions of the Department that are permitted or prohibited during the pendency of the administrative review.
11. The determination made by the administrative review official is the final administrative determination provided under 7 C.F.R. § 226.6(k)(5)(x) and will become a Final Order and set forth the time limits for seeking judicial review.

**EXHIBIT 3 – INSTITUTION APPEAL PROCEDURES FOR PROPOSED
SUSPENSION**

**CHILD AND ADULT CARE FOOD PROGRAM
APPEAL PROCEDURES FOR
PROPOSED SUSPENSION OF CHILD AND ADULT CARE INSTITUTIONS**

General

If the Tennessee Department of Human Services (TDHS) determines that an institution has knowingly submitted a false or fraudulent claim, action to suspend the institution's participation may be initiated, and action to terminate the institution's agreement and disqualify the institution and its responsible principals will be initiated. The submission of a false or fraudulent claim constitutes a serious deficiency.

If the TDHS initiates action to suspend an institution's participation for the submission of a false or fraudulent claim, the procedures identified at 7 CFR Part 226.6 (c) (5) (ii) will be followed.

Appeal Procedures

The following procedures will be followed for all appeals of proposed program suspensions:

1. All institutions may request a review of a proposed suspension action by submitting the request along with written documentation opposing the proposed suspension to the suspension review official. The request and the documentation must be presented in writing to the following contact person not later than 10 calendar days from the date the institution received the notice of the action:

Appeals and Hearings, Case Prep Unit
Tennessee Department of Human Services
400 Deaderick Street, 10th Floor
Nashville, Tennessee 37243
Toll Free: (866) 768-1046
Local: (615) 248-7056
Fax: (615) 532-2714

2. The hearing officer appointed by the Division of Appeals will immediately notify the CACFP State Office Staff that the institution has contested the proposed suspension, and will obtain from the CACFP State Office Staff the Notice of Proposed Suspension of Participation, along with all supporting documentation; and render a decision on suspension of participation within 10 days of the deadline for receiving the institution's documentation opposing the proposed suspension.
3. If the hearing officer determines that the proposed suspension is not appropriate, the TDHS is prohibited from suspending participation. If the suspension review official determines, based on a preponderance of the evidence, that the proposed suspension action was appropriate, the TDHS will suspend the institution's

participation (including all program payments), effective on the date of the hearing officer's decision. The TDHS will also provide notification of the suspension and adhere to the additional appeal procedures as required by 7 CFR Part 226.6 (c) (5) (ii).

**EXHIBIT 4 – CHILD CARE HOME PROVIDER APPEAL PROCEDURES FOR
PROPOSED TERMINATION/DISQUALIFICATION**

**CHILD AND ADULT CARE FOOD PROGRAM
APPEAL PROCEDURES FOR CHILD CARE HOMES**

7 C.F.R. § 226.6 (l) and State Rule 1240-5-8-.01(9) govern appeals by child care homes in the Child and Adult Care Food Program. Appeals are limited to a sponsoring organization's suspension of a child care home's participation in the program or the sponsoring organization's proposed termination of the agreement between the sponsoring organization and the child care home for cause, as allowed under 7 C.F.R. § 226.16 (l) The following procedures will be followed in processing these appeals:

1. Child care homes will be allowed fifteen (15) days from the date on which notice of action, sent by certified mail, return receipt requested, is received to appeal an action by the sponsoring organization as allowed under 7 C.F.R. § 226.6(l)(2) and (3).
2. The contact person to file an appeal is as follows:

Micheal Donegan
Appeals and Hearings, Case Prep Unit
Tennessee Department of Human Services
400 Deaderick Street, 10th Floor
Nashville, Tennessee 37243
Toll Free: (866) 768-1046
Local: (615) 248-7056
Fax: (615) 532-2714
3. The receipt of the appeal requesting an administrative review must be acknowledged by the Department within ten (10) days of receiving the request. The appellant may retain legal counsel or may be represented by another person.
4. The appellant is allowed to inspect information on which the action was based. The information must be available for inspection from the date the appeal request is received.
5. The appellant may dispute the findings contained in the notice of action in person, or by submitting written documentation to the administrative review official. In order to be considered, written documentation must be submitted to the administrative review official not later than thirty (30) days after receipt of the notice of action. If the written request for administrative review does not specifically request a hearing, a review of written information in lieu of a hearing will occur.
6. At least ten (10) days advance notice of the hearing shall be given, if the appellant requested a hearing in the written appeal. The service of the advance notice of the hearing will be in accordance with State Rule 1240-5-4-.01.
7. The determination of the administrative review official must be based solely on the information provided by the Department, the appellant, Federal and State laws, regulations, policies, and procedures governing the Child and Adult Care Food Program.

8. The administrative review official must inform the appellant of the administrative review's outcome within sixty (60) days of the receipt of the appeal requesting administrative review. This sixty (60) day time frame is an administrative requirement and may not be used as a basis for overturning the action if the administrative decision is not made within this time frame.
9. The appellant may continue to participate and receive program reimbursement for eligible meals served until its administrative review is concluded. However, if the sponsoring organization has suspended the program participation of a child care home, all program payments will remain suspended until the administrative review is concluded. If the administrative review official overturns the suspension, the child care home may claim reimbursement for eligible meals served during the suspension.
10. The determination made by the administrative review official is the final administrative determination provided under 7 C.F.R. § 226.6(l)(5)(viii) and will become a Final Order and set forth the time limits for seeking judicial review.